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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

HISHAM YOUSEF MUSHASHA,
a/k/a Joe Mushasha,
a/k/a Hisham Yousef Musha'sha,
Defendant.

No.: CR 07-00734 MMC

STIPULATION AND ~~PROPOSED~~ ORDER
EXCLUDING TIME UNDER SPEEDY TRIAL
ACT FROM NOVEMBER 19, 2007 TO
DECEMBER 5, 2007

The parties appeared before the Honorable Bernard Zimmerman on November 19, November 26, and November 29, 2007.

With the agreement of counsel for both parties, the Court finds and holds as follows:

1. The Defendant first appeared on November 19, 2007, with AFPD Ron Tyler standing in as counsel. On that date, the Defendant was provisionally released until

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1 Pretrial Services could further investigate the matter of his assets, and the arraignment
2 was continued to November 26, 2007 to enable the Defendant to retain counsel.

3 2. On November 26, 2007, the Defendant appeared with his retained counsel, Gil
4 Eisenberg. The Defendant entered a not guilty plea, and with the consent of the
5 Defendant, the matter of detention or release was continued to November 29, 2007 so that
6 the Defendant could be interviewed by Pretrial Services with his new counsel.

7 3. On November 29, 2007, the parties and the Court addressed the Defendant's
8 employment and the posting of property to secure the bond under which he had been
9 provisionally released on November 19, 2007. The parties anticipate that a further
10 hearing to discuss the property that may be used to secure the bond will occur during the
11 beginning of December, after Pretrial Services interviews the Defendant's ex-wife/current
12 girlfriend, Mitra Farr.

13 4. The parties are scheduled to appear before the Honorable Maxine M. Chesney
14 on December 5, 2007. The government expects to provide discovery to the Defendant on
15 or before that date.

16 5. The parties agree to an exclusion of time under the Speedy Trial Act from
17 November 19, 2007 to December 5, 2007, in light of the Defendant's need to retain
18 counsel, the need of the parties and Pretrial Services to investigate the status of various
19 properties owned by Ms. Farr, and the need to produce and review discovery. Failure to
20 grant the requested continuance would unreasonably deny defense counsel reasonable
21 time necessary for effective preparation, taking into account the exercise of due diligence,
22 and would deny the defendant continuity of counsel.

23 6. Given these circumstances, the Court finds that the ends of justice served by
24 excluding the period from November 19, 2007 to December 5, 2007 outweigh the best
25 interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

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1 7. Accordingly, and with the consent of the defendant, the period from November
2 19, 2007 to December 5, 2007 shall be excluded from Speedy Trial Act calculations
3 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4 IT IS SO STIPULATED.

5
6 DATED: _____ /s/
7 TRACIE L. BROWN
8 Assistant United States Attorney

9 DATED: _____ /s/
10 GIL EISENBERG
11 Attorney for H.Y. Mushasha

12 IT IS SO ORDERED.

13 DATED: December 4, 2007
14 
15 THE HON. BERNARD ZIMMERMAN
16 United States Magistrate Judge

